

Notice of Allowability

Application No.

10/614,002

Examiner

William H. Rodriguez

Applicant(s)

SCHUTZ, HERBERT

Art Unit

3746

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment filed on 12/20/05.

2. The allowed claim(s) is/are 1-3,5-9,11-16,18 and 19.

3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)

5. Notice of Informal Patent Application (PTO-152)

2. Notice of Draftsperson's Patent Drawing Review (PTO-948)

6. Interview Summary (PTO-413),
 Paper No./Mail Date _____.

3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____.

7. Examiner's Amendment/Comment

4. Examiner's Comment Regarding Requirement for Deposit
 of Biological Material

8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

This office action is in response to the amendment and remarks filed 12/20/05.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on 7/8/02. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Allowable Subject Matter

2. Claims 1-3,5-9,11-16,18 and 19 are allowed.

With respect to claims 1 and 7, the following is an examiner's statement of reasons for allowance: the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show "the transition piece is an exhaust inlet part of a heat recovery structure for a steam generator, the transition piece includes a chimney orifice for discharging the exhaust gas of the gas turbine and wherein the chimney orifice is a flow duct that is shorter than a maximum vertical height of the transition piece", in combination with the other claim limitations.

With respect to claim 14, the following is an examiner's statement of reasons for allowance: the prior art of record neither discloses nor makes obvious the combination set forth in the independent claims, and especially does not show "the transition piece is an exhaust inlet part of a boiler region of a steam generator, the transition piece includes a chimney orifice for discharging the exhaust gas of the gas turbine and wherein the chimney orifice is a flow duct that is shorter than a maximum vertical height of the transition piece", in combination with the other claim limitations.

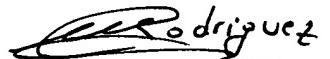
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodriguez whose telephone number is 571-272-4831. The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William H. Rodriguez
Primary Examiner
Art Unit 3746

3/21/06